

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Charles Ray Thomas, II,)	Case No.: 4:22-cv-02638-JD-TER
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
United States,)	
)	
Defendant.)	
)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ (DE 11.) Plaintiff Charles Ray Thomas, II (“Plaintiff” or “Thomas”), proceeding *pro se* and *in forma pauperis* brought this action against Defendant the United States (“Defendant”). In lieu of factual allegations, Plaintiff’s Complaint states, “see attached complaint” (DE 1, p. 4); however, the attachment is a motion for a temporary restraining order seeking a “temporary restraining order to block federal funding to Florence County and compensatory damages for emotional distress, anxiety, and [PTSD].” (DE 3.)

The Report was issued on August 17, 2022, recommending this action be summarily dismissed as frivolous and for failure to state a claim. (DE 11, p. 2.) Plaintiff has not filed an objection to the Report. In the absence of objections to the Report and Recommendation, this

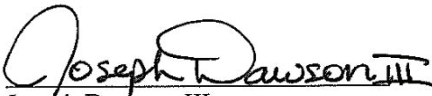
¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report (DE 11) and incorporates it herein.

It is, therefore, **ORDERED** that Plaintiff’s case is summarily dismissed with prejudice and without issuance of service of process.

IT IS SO ORDERED.


Joseph Dawson, III
United States District Judge

Florence, South Carolina
November 28, 2022

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.